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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,848	08/23/2001	Mark Yonao-Cowan	1554-1	9131

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EXAMINER

AKINTOLA, OLABODE

ART UNIT PAPER NUMBER

3624

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/934,848	YONAO-COWAN, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Olabode Akintola	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/01/01</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 4 and 16 is objected to because of the following informalities: In step (b2) claim, the word “record” should be “second”. The word “fo” in claim 16 should be “for”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 9, 10, 12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Huberman (USPN 5826244) (Huberman).

Re claims 1, 9, 10, 12 and 17: Huberman teaches method of conducting a sealed bid auction, the method comprising: receiving the sealed bids prior to a bidding deadline; at or after said bidding deadline, creating a winner pool by (col. 11, lines 60-col. 12, lines 5); determining which of said sealed bids is lowest; determining which of said sealed bids is second lowest (col. 11, lines 60-col. 12, lines 5); increasing lowest bids to an amount equal to second lowest bids, said winner pool being composed of said second lowest bids and said increased lowest bids (col. 12, lines 10-43); choosing a single winner from said winner pool (col. 12, lines 10-43; col. 13, lines 1-8).

Re claims 2, 5: Huberman teaches the step wherein said auction is an online auction (col. 4, lines 19-23).

Re claim 4: See claim 1 analysis in reverse format (col. 14, lines 62-63; Fig. 3b).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 6-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman.

Re Claims 3, 6 and 11: Huberman does not explicitly teach the step wherein said auction is for a contract for translation services, goods, rights, or property. However, Huberman teaches contract for document services. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huberman to include any type of contract. One would have been motivated to do these in order to make the system more flexible.

Re claim 7: See claim 5 analysis, *supra*.

Re Claim 8: Huberman does not explicitly teach the step wherein a third party receives payment for said contract and said third party only releases payment for said contract when said contract has been completed. Official notice is hereby taken that it is old and well known in the art to forward payments to an intermediary pending the full execution of a contract. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huberman to include this step in order to safeguard both the supplier and customer by making sure that both parties fulfill their part of the obligation according to the terms and conditions of the contract.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman in view of Singh (US Patent Application No. 20010047311) (Singh).

Re claim 13-16: Huberman does not explicitly teach providing a virtual room for said single winner and a client providing the contract, said virtual room being available to said single winner and said client only for a duration of said contact such that said client and said single winner can discuss details of said contract with each other while logged into said virtual room; and providing email addresses. Singh teaches providing a virtual room for said single winner and a client providing the contract, said virtual room being available to said single winner and said client only for a duration of said contact such that said client and said single winner can discuss details of said contract with each other while logged into said virtual room (section [0037]); and providing email addresses (section [0026]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huberman to include these steps. One would have been motivated to do this in order to provide the winner and the client with a medium to

finalize the details of the contract.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

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